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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,046	10/12/2000	Minoru Yamamoto	1095.1138/JDH	5524
21171	7590	11/05/2003	EXAMINER	
STAAS & HALSEY LLP			EDELMAN, BRADLEY E	
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1201 NEW YORK AVENUE, N.W.			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005			2153	

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding:

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/688,046	YAMAMOTO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bradley Edelman	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 September 2003.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3,4 and 6 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,3,4 and 6 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 12 October 2000 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

This office action is in response to Applicant's amendment and request for reconsideration filed on September 29, 2003. Claims 2 and 5 have been canceled. Claims 1, 3, 4, and 6 are thus presented for further examination. Note: due to the new grounds for rejection, this office action is non-final.

### ***Specification***

1. Examiner acknowledges the corrections made to the specification. Examiner hereby withdraws any objections made to the specification in the previous office action.

### ***Claim Rejections - 35 USC § 112***

2. Because claims 2 and 5 have been canceled, the 35 USC 112 rejections are hereby withdrawn.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Karger et al. (U.S. Patent No. 6,430,618, hereinafter "Karger").

In considering claims 1 and 4, Karger discloses a computer and product for use with a computer, comprising:

A result storing unit which stores at least one processing result of at least one request (col. 2, lines 8-15, wherein a cache server stores a processing result of client requests, and wherein the result storing "unit" is inherent in a server that stores results);

A receiving unit which receives a request for processing from a client (col. 2, lines 8-15, again the "unit" is inherent in a server that receives requests);

A determination unit which determines whether or not another request which is identical to the request received from the client, has already been processed (col. 2, lines 15-18, wherein the caching system determines if the same request for the same information has already been processed – i.e. if the caching server already has a copy of the cached document);

An execution unit which executes processing of the request received from the client, and stores the result of the processing in said result storing unit when the determination unit determines that no other request which is identical to the request received from the client has been processed (col. 2, lines 15-24, i.e. if no other request has been received, the caching server processes the request by fetching the requested page from another server and storing it in the cache); and

A transmission unit which transmits to the client the result of the processing executed by the execution unit when the determination unit determines that no other

request which is identical to the request received from the client has been processed (col. 2, lines 18-22, "when the cache server receives a copy of the document from another cache server or from the original site for the document, it can then answer the client's request"), and transmits to the client a processing result corresponding to the request received from the client when the determination unit determines that another request which is identical to the request received from the client, has already been processed (col. 2, lines 22-24, "subsequent requests for that document can be serviced by the cache because it has a copy of the document").

In other words, the claimed invention is anticipated by a simple cache server, wherein the cache server determines whether a same request for the requested document has been made previously (by checking of the document is in the cache), the server then performs processing on the request if it is not an identical request to a prior request (i.e. fetches the requested page), stores the processing result (i.e. stores the fetched page), and transmits the processed result to the requesting client, and wherein if the request is identical to a previous request (i.e. from the same client for the same document), the processing result corresponding to the client's first request is retrieved and transmitted to the client.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karger, in view of Colyer (U.S. Patent No. 6,023,722).

In considering claims 3 and 6, Karger further discloses:

A request storing unit which stores at least one request received from at least one client (col. 17, line 7, "when a server receives a request");

A request reading unit which reads out one of the at least one request stored in the request storing unit (col. 17, lines 8-15).

However, Karger fails to disclose a prohibiting unit which prohibits the operation of the request reading unit after one the requests stored in the storing unit is read out until a processing result corresponding to the one of the requests is transmitted to the client. Nonetheless, such a feature is well known in the art, as evidenced by Colyer. In a similar art, Colyer discloses a system for allowing clients to request information from servers, and Colyer further discloses that "in prior architectures, it was necessary to wait until a received request was served by a server and a reply sent back through the opened connection before another connection could be accepted to receive the next request from the Internet." Col. 7, lines 35-39. Given this teaching, a person having ordinary skill in the art would have readily recognized the desirability and advantages of prohibiting operation of the request reading unit in the system taught by Karger, until the previous request was processed and the result transmitted to the client, as taught by Colyer, so that legacy systems, such as servers with smaller processing capacity (i.e. those that cannot respond to multiple requests at once) can still be used to respond to

the client requests. Therefore, it would have been obvious to delay response to requests in the system taught by Karger, until the previous request has been processed and transmitted to the client, as taught by Colyer.

### ***Response to Arguments***

In considering Applicant's request for reconsideration filed on September 29, 2003, the following factual arguments are noted:

- a. Karger relates to information requests and does not relate to the present invention's client requests for processing.
- b. Karger's cache server determines whether a document exists in the server and does not determine whether a request for processing has already been processed.
- c. Karger does not disclose a result storing unit which stores at least one processing result of at least one request.
- d. Karger discloses a web system comprising the original sites, the cache servers, and the clients, while independent claims 1 and 4 of the present invention define the internal constitution of a server.
- e. Karger's col. 17, lines 7-15 do not relate to prohibiting reading a processing request until a previous processing request has been transmitted.

In considering (a), Applicant contends that Karger relates to information requests and does not relate to the present invention's client requests for processing. Examiner respectfully disagrees. Karger teaches "client requests for processing" because an

“information request” sent from a client to a server, as taught by Karger, is in fact a “client request for processing.” The claim terminology “request for processing” is broad terminology, and cannot be read to encompass something narrower unless it is amended to include narrower language.

In considering (b), Applicant contends that Karger’s cache server determines whether a document exists in the server and does not determine whether a request for processing has already been processed. Examiner respectfully disagrees. Karger, in fact, determines *both* whether a document exists in the server *and* whether a request for processing has already been processed. The reason for this is because the only reason the document gets to the cache to begin with is because a request was previously made for the document. Therefore, by checking the cache for the document, the server is also checking if an identical request was previously made to the server. Therefore, Karger teaches that the cache server determines whether a request for processing has already been processed.

In considering (c), Applicant contends that Karger does not disclose a result storing unit which stores at least one processing result of at least one request. Examiner respectfully disagrees, for similar reasons given regarding point (a). Notably, the terminology “stores at least one processing result of at least one request” is very broad language. The system taught by Karger teaches storing a cached document in

response to a request from a client. This constitutes a “processing result of at least one request.”

In considering (d), Applicant contends that Karger discloses a web system comprising the original sites, the cache servers, and the clients, while independent claims 1 and 4 of the present invention define the internal constitution of a server. Examiner respectfully disagrees. The cache server taught by Karger performs all of the steps described in claims 1 and 4 (see claim rejections above). Thus, the server would inherently include the internal mechanisms described in the claims (i.e. it receives requests and stores results, so it must necessarily have a “receiving unit” and a “result storing unit”).

In considering claim (e), Applicant contends that Karger’s col. 17, lines 7-15 do not relate to prohibiting reading a processing request until a previous processing request has been transmitted. Examiner agrees and has applied new art in rejecting claims 3 and 6.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant’s disclosure.

The following references are of note:

- a. Himmel et al. (U.S. Patent No. 6,237,035) teaches a system and method for controlling duplicate transaction submissions in a web server environment, wherein the system uses a transaction id to determine if a request is identical to a previous request, and either fulfills the request or returns an error based on the determination.
- b. Velarde (U.S. Patent No. 5,696,966) teaches a different system that determines whether a request was previously made, and decides to process (or not to process) the request based on that determination.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Edelman whose telephone number is (703) 306-3041. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

For all correspondences: (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

BE  
October 27, 2003



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